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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 2nd September, 1973/Bhadra 11, 1895 (Saka)

The following President's Act is published for general information:—

THE UTTAR PRADESH NAGAR MAHAPALIKAS (AMENDMENT) ACT, 1973

NO. 12 OF 1973

Enacted by the President in the Twenty-fourth Year of the Republi of India.

An Act further to amend the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959.

33 of 1973. In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973, the President is pleased to enact as follows:—

Short title. 1. This Act may be called the Uttar Pradesh Nagar Mahapalikas (Amendment) Act, 1973.

Insertion of new section 8A in U.P. Act II of 1959. 2. After section 8 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, the following section shall be inserted, namely:—

Temporary provisions regarding administration of Mahapalika until a new Mahapalika is constituted "8A. Where the term or the extended term of the Mahapalika has expired and a new Mahapalika has not been constituted, then until the due constitution of the new Mahapalika under section 9—

(*a*) notwithstanding anything in this Act, the Nagar Pramukh, the Upa Nagar Pramukh, the Sabhasads, the Vishista Sadasyas and the members of all Special Committees, Joint Committees and Sub-committees constituted or appointed under

sections 95 and 97 and the Mukhya Nagar Adhikari of the Mahapalika shall vacate their respective offices, and all such Special Committees, Joint Committees and Sub-Committees shall stand dissolved;

(*b*) all powers, functions and duties of the Mahapalika, its Nagar Pramukh, Upa Nagar Pramukh, Executive Committee, Development Committee and other committees appointed under clause (*e*) of section 5 and of the Mukhya Nagar Adhikari shall be vested in and be exercised, performed and discharged by an officer appointed in that behalf by the State Government (hereinafter referred to as the administrator), and the administrator shall be deemed in law to be the Mahapalika, the Nagar Pramukh, the Upa Nagar Pramukh, Executive Committee, Development Committee or other committees, or the Mukhya Nagar Adhikari as the occasion may require;

(*c*) subject to any general or special orders of the State Government, the administrator may, in respect of all or any of the powers conferred on him by clause (*b*),—

(*i*) consult such committee or other body, if any, constituted in such manner as may be specified by him in that behalf; or

(*ii*) delegate, subject to such conditions as he may think fit to impose, the powers so conferred, to any person or to any committee or other body constituted under sub-clause (*i*), to be specified by him in that behalf;

(*d*) such salary and allowances of the administrator as may be fixed by general or special orders of the State Government in that behalf shall be paid out of the Mahapalika Fund.".

Repeal and savings.

3. (*1*) The Uttar Pradesh Nagar Mahapalikas (Amendment) Ordinance, 1973, is hereby repealed. U.P. Ordinance 3 of 1973.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 12th day of June, 1973.

V. V. GIRI,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

The term of four Nagar Mahapalikas, namely, those of Lucknow, Varanasi, Kanpur and Agra was to expire on June 30, 1973. Elections to these Mahapalikas could not take place because delimitation of wards in accordance with the latest census figures could not be completed in time. It was not considered proper in public interest to extend the term of these Mahapalikas. There existed no provision in the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 for the administration of a Mahapalika, the term of which expires and is not extended. It was considered necessary to make a provision to the effect that where the term or the extended term of a Mahapalika expires and a new Mahapalika is not constituted, then, until the due constitution of the new Mahapalika under section 9, the Nagar Pramukh, the Upa Nagar Pramukh, the Sabhasads, the Vishishta Sadasyas and the members of all Special Committees, Joint Committees and Sub-Committees constituted or appointed under the relevant provisions of the Act and the Mukhya Nagar Adhikari of the Mahapalika shall vacate their offices and all such Special Committees, Joint Committees and Sub-Committees, shall stand dissolved and that all powers, functions and duties of the Mahapalika, its Nagar Pramukh, Upa Nagar Pramukh, Executive Committee, Development Committee and other committees shall be vested and be exercised, performed and discharged by an administrator appointed by the State Government.

2. As the State Legislature was not in session the Uttar Pradesh Nagar Mahapalikas (Amendment) Ordinance, 1973 was promulgated by the Governor on 12th June, 1973 for the above purpose. The proposed measure seeks to replace the said Ordinance.

3. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973 (33 of 1973) has been consulted before the enactment of this measure as a President's Act.

A. N. KIDWAI,
Secy. to the Govt. of India,
Ministry of Works and Housing.

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